

Policies and Procedures
POLICY: Individual Access to Data
Policy #9
Effective Date: April 2, 2014

Purpose: Pursuant to HIPAA (45 C.F.R §164.524) and Illinois law (735 ILCS 5/8-2001), Individuals generally have the right of access to inspect and obtain a copy of the Individual's Protected Health Information that is held in a Designated Record Set. This policy describes the role of the ILHIE Authority in ensuring that Individuals may seek access to their own Protected Health Information that is made available through the ILHIE.

The ILHIE is not a repository of Designated Record Sets containing Protected Health Information for or on behalf of its Participants. The ILHIE currently facilitates the secure exchange of Protected Health Information between Participants for one or more Permitted Purposes. Participants are the originators and custodians of Individual Protected Health Information and Designated Record Sets. As such, the Participant(s) who maintains a Designated Record Set for an Individual requesting access is the only entity that can evaluate the request and determine whether access may be granted.

Policy:

- 1.0 Right of Access.** Upon the ILHIE Authority's receipt of a request from an Individual for access to inspect and obtain a copy of the Individual's Protected Health Information, the Individual will be informed that the ILHIE Authority does not maintain the Designated Record Set containing the Protected Health Information and that the Individual should direct their request to the applicable Participant(s).
 - 1.1** The ILHIE Authority will not directly provide an Individual with access to his or her own Protected Health Information but will instead assist an Individual in requesting access to his or her Protected Health Information from the appropriate Participant(s).
 - 1.2** Participants shall comply with an Individual's rights to access their Protected Health Information in accordance with Applicable Law.
- 2.0 Compliance.** Participants shall comply with these Policies and Procedures. The ILHIE Authority will monitor and enforce compliance with and adherence to these Policies and Procedures.
 - 2.1** Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Procedures:

Participant Procedures

- 1.0** The applicable Participant(s) will be solely responsible for determining whether to grant or deny an Individual's request for access to Protected Health Information in compliance with Applicable Law.
- 2.0** If an Individual is determined by the applicable Participant(s) to be entitled to access some or all of the Individual's Protected Health Information, the Participant will be solely responsible for the timely provision of the required access to the Individual.
- 3.0** The applicable Participant(s) is responsible for accomplishing the provision of access of an Individual's Protected Health Information in compliance with Applicable Law, including but not limited to 45 C.F.R §164.524, its standards and implementation specifications, and the HITECH Act.

ILHIE Procedures

- 1.0** The ILHIE Authority will facilitate an Individual's request for access to the Individual's Protected Health Information by assisting in identifying to the Individual the Participant(s) who maintain the Individual's Protected Health Information in a Designated Record Set, upon request.

Associated Policies and References

42 U.S.C. §§300jj et seq.; §§17901 et seq.

45 C.F.R §164.524

735 ILCS 5/8-2001

Enforcement

Sanctions

Definitions

Applicable Law

Designated Record Set

HIPAA

ILHIE Authority

Individual

Participant

Permitted Purposes

Policies and Procedures

Protected Health Information